

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

JAN 26 2009

JESSIE EARL WILLIAMS,

Plaintiff,

**VS.**

EMILIE P. KIRKPATRICK et al.,

**Defendants.**

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY W. H. DEPUTY

No. CIV-08-1205-W

## ORDER

On December 12, 2008, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this matter and recommended that this action be dismissed without prejudice because plaintiff Jessie Earl Williams had failed to comply with an Order [Doc. 4] issued on November 13, 2008, wherein Williams was directed either to pay the appropriate filing fee or to submit a motion for leave to proceed in forma pauperis on or before December 3, 2008. Williams was advised of his right to object to the Report and Recommendation.

After review of a letter submitted by Williams, the Court on January 5, 2009, sua sponte granted Williams additional time to comply with Magistrate Judge Bacharach's Order, directed Williams either to pay the filing fee in the amount of \$350.00 or to submit a motion for leave to proceed in forma pauperis, and cautioned Williams that his failure to comply with the Court's Order could result in the dismissal of this matter without further notice.

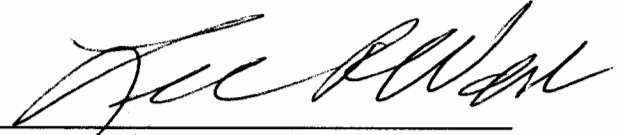
The record now indicates that Williams has submitted a Motion for Leave to Proceed in Forma Pauperis [Doc. 9] and certain documents for the Court's review. Based upon the

same, the Court

(1) DECLINES to adopt the Report and Recommendation issued on December 12, 2008; and

(2) RE-REFERS this matter to Magistrate Judge Bacharach for further proceedings, including consideration of Williams' Motion for Leave to Proceed in Forma Pauperis [Doc. 9].

ENTERED this 26<sup>th</sup> day of January, 2009.

  
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LEE R. WEST  
UNITED STATES DISTRICT JUDGE